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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

MARLENE GONZALEZ-POZO, an  
individual; GERARDO POLIER-GARCIA,  
an individual,

Plaintiff,

vs.

EMPIRE FIRE AND MARINE INSURANCE  
COMPANY; DOES I through V, inclusive; and  
ROE CORPORATIONS I through V, inclusive,

Defendants

Case No.: 2:23-cv-00589 -GMN-BNW

**JOINT DISCOVERY PLAN AND  
SCHEDULING ORDER SUBMITTED IN  
COMPLIANCE WITH LR 26-1(b)**

The parties, by and through their respective undersigned counsel of record, respectfully submit this Joint Discovery Plan and Proposed Scheduling Order pursuant to Fed. R. Civ. P. 26(f) and LR 26-1.

1. Pursuant to Fed. R. Civ. P. 26(f) and LR 26-1, the following persons participated in a discovery planning conference on April 17, 2019:

a. Jeffrey Lavigne, Esq., for Plaintiffs Marlene Gonzalez-Pozo and Gerardo Polier-Garcia (“collectively, “Plaintiffs”).

b. Matthew T. Dushoff, Esq. and William A. Gonzales, Esq., for Defendant Empire Fire and Marine Insurance Company (“Empire”)

2. Initial Disclosures - Fed. R. Civ. P. 26(a)(1): The parties by and through their respective counsel will make their initial disclosures on or before August 18, 2023.

3. Subjects of Discovery: Discovery is necessary regarding the following subjects: All areas of discoverable information provided for under the Federal Rules of Civil Procedure.

4. Limitations on Discovery: For the present, the parties do not see a need to impose limitations on discovery.

5. Other Discovery Orders: No other discovery orders are presently needed.

6. Discovery Cut-Off Date: The Defendant served its Motion to Dismiss Plaintiffs' Complaint on June 12, 2023. Discovery should remain open to **December 8, 2023**, which is 180 days from the filing of Defendant's Motion to Dismiss, as required by LR 26-1(b)(1).

7. Amending the Pleadings and Adding Parties: The deadline to amend the pleadings and add parties is **September 11, 2023**, 90 days prior to the close of discovery, as required by LR 26-1(b)(2).

8. Disclosures (Experts) - Fed. R. Civ. P. 26(a)(2): Expert witness disclosures under Fed. R. Civ. P. 26(a)(2)(C) and LR 26-1(b)(3) must be made by **October 9, 2023**, 60 days before the discovery cut-off date. Disclosures for rebuttal experts must be made by **November 8, 2023**, not greater than 30 days after the initial disclosures of experts.

9. Interim Status Report: The parties shall file the interim status report by **October 9, 2023**, 60 days before the discovery cut-off date, as required by LR 26.3.

10. Dispositive Motions: The deadline for filing dispositive motions will be **January 5, 2024**, 30 days after the discovery cut-off date, as required by LR 26-1(b)(4).

11. Pretrial Order: The joint pretrial order must be filed by **February 2, 2024**, no greater than 30 days after the date set for filing dispositive motions, as required by LR 26-1(b)(5). In the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30 days after decision of the dispositive motions or further order of the court.

12. Fed. R. Civ. P. 26(a)(3) Disclosures: The disclosures required by Fed. R. Civ. P. 26(a)(3) and any objections thereto shall be included in the pretrial order.

1           13.    Alternative Dispute Resolution. The parties have not agreed to participate in  
2 mediation or requested a settlement conference at this time and discussed the same at the Fed. R.  
3 Civ. P. 26(f) telephonic conference.

4           14.    Alternative Forms of Case Disposition. Counsel for the parties certify that at the Fed.  
5 R. Civ. P. 26(f) telephonic conference, they considered consent to trial by a magistrate judge under  
6 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the Short Trial Program (General Order  
7 2013-01) and have declined this option.

8           15.    Electronic Evidence: Counsel for the parties certify that at the Fed. R. Civ. P. 26(f)  
9 telephonic conference, they addressed the e-discovery issues pertaining to the format of discovery.  
10 The parties do not anticipate discovery of native files or metadata at this time, but each party  
11 reserves the right to make a showing for the need of such electronic data as discovery progresses.

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1           16.     Extension of Discovery Deadlines: LR 26-4 governs modifications or extensions of  
2 this Discovery Plan and Scheduling Order. Any stipulation or motion must be made no later than 21  
3 days before the subject deadline sought to be extended, and in compliance with LR 26-4.

4           DATED: August 4, 2023

6                           BY: /s/ Kristian Lavigne  
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18                          Attorneys for Plaintiff

14           DATED: August 4, 2023

16                           BY: /s/ William A. Gonzalez, Esq.  
17                           Matthew T. Dushoff, Esq.  
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25                           Attorneys for Defendant

23                           IT IS SO ORDERED:

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25                           \_\_\_\_\_  
26                           THE HONORABLE BRENDA WEKSLER  
27                           UNITED STATES MAGISTRATE JUDGE

27                           DATED:                   August 7, 2023  
28                           \_\_\_\_\_